

AMENDED IN SENATE APRIL 22, 2010

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1452

Introduced by Senator Runner

February 19, 2010

An act to amend Section 3000.03 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 1452, as amended, Runner. Parole: electronic monitoring.

Existing law requires the Department of Corrections and Rehabilitation to release a prisoner on a specified period of parole after the expiration of a specified term of imprisonment. Under existing law, the department is authorized to return a parolee to prison if the Board of Parole Hearings determines that the parolee violated the terms of his or her parole, as specified. Existing law prohibits the department from returning certain parolees to prison, placing a parole hold on the parolee, or reporting the parolee to the Board of Parole Hearings for a violation of parole, as specified.

This bill would provide that a parolee to whom these prohibitions on the department are applicable may be required to wear an electronic monitoring device, for the duration of the parole period, by a local law enforcement agency that has jurisdiction over the location where the parolee resides *and that has entered into a memorandum of understanding with the department*, as specified. The bill would provide that the cost of acquiring, leasing, and monitoring the electronic monitoring device shall be the responsibility of the local law enforcement agency requiring the wearing of the device.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3000.03 of the Penal Code is amended to read:

3000.03. (a) Notwithstanding any other provision of law, the Department of Corrections and Rehabilitation shall not return to prison, place a parole hold on pursuant to Section 3056, or report any parole violation to the Board of Parole Hearings regarding any person to whom all of the following criteria apply:

(1) The person is not required to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

(2) The person was not committed to prison for a serious felony as defined in Sections 1192.7 and 1192.8, or a violent felony, as defined in Section 667.5, and does not have a prior conviction for a serious felony, as defined in Section 1192.7 and 1192.8, or a violent felony, as defined in Section 667.5.

(3) The person was not committed to prison for a sexually violent offense as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code and does not have a prior conviction for a sexually violent offense as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code.

(4) The person was not found guilty of a serious disciplinary offense, as defined in regulation by the department, during his or her current term of imprisonment.

(5) The person is not a validated prison gang member or associate, as defined in regulation by the department.

(6) The person did not refuse to sign any written notification of parole requirements or conditions, including, but not limited to, the written notification of requirements pursuant to Section 3067.

(7) The person was evaluated by the department using a validated risk assessment tool and was not determined to pose a high risk to reoffend.

(b) (1) A parolee to whom this section is applicable may be required to wear a global positioning system or other electronic monitoring device, for the duration of the parole period, by a local law enforcement agency if ~~the~~ *both of the following apply*:

(A) *The* local law enforcement agency requiring the parolee to wear a global positioning system or other electronic monitoring

1 device has primary jurisdiction over the location where the parolee
2 resides. ~~The~~

3 *(B) The local law enforcement agency has entered into a*
4 *memorandum of understanding with the department that establishes*
5 *conditions under which the local authority may use global*
6 *positioning system technology or otherwise monitor, supervise, or*
7 *manage nonrevocable parolees in a manner consistent with*
8 *evidence-based practices. For purposes of this subdivision,*
9 *“evidence-based practices” means supervision policies,*
10 *procedures, programs, and practices that have been demonstrated*
11 *through scientific research to reduce recidivism among individuals*
12 *who have been released or who are on probation or parole and*
13 *that would be likely to improve the probability that, while on*
14 *parole, a parolee to whom this section is applicable would not*
15 *commit a new offense.*

16 *(2) The cost of acquiring, leasing, and monitoring any global*
17 *positioning system or other electronic equipment shall be the*
18 *responsibility of the local law enforcement agency requiring the*
19 *parolee to wear a global positioning system or other electronic*
20 *monitoring device.*

21 *(c) This section does not mandate the use of a global positioning*
22 *system or other electronic monitoring device by law enforcement*
23 *and does not create an obligation on the part of any law*
24 *enforcement agency or local government agency in connection*
25 *with the discretionary use, or nonuse, of these monitoring devices.*